

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHENG XIA WANG, CHUNLIN ZHANG, JUN
QING ZHAO, BAO GUO ZHANG, ZE JUN
ZHANG A/K/A ZEJUN ZHANG, GUOYI WANG,
TONG WEI WU, AND ZHI QIANG LU, ON
BEHALF OF THEMSELVES AND OTHERS
SIMILARLY SITUATED,

Plaintiffs,

v.

SHUN LEE PALACE RESTAURANT, INC. D/B/A
SHUN LEE PALACE; T&W RESTAURANT, INC.
D/B/A SHUN LEE WEST; JOHN HWANG;
MICHAEL TONG; BIN HU; AND WILLIAM
HWANG

Defendants.

Index No. 17-cv-00840

DECLARATION OF
SAI TAM

I, SAI TAM, do hereby swear, affirm, and attest under the penalties of perjury as follows:

1. I am over 18 years of age and competent to testify to the matters stated in this declaration.
2. The information contained herein is based upon my personal knowledge.
3. I worked at Shun Lee Palace Restaurant, Inc., which operates a Chinese restaurant located at 155 East 55th Street, New York, NY 10022 ("Shun Lee East"), from 1992 to 2006 as a waiter and from February 2012 to June 30, 2016 as the general manager.
4. As a general manager of Shun Lee East, I was in charge of the restaurant's operations.
5. I worked with another manager named Patrick Lau, who was primarily in charge of taking care of the customers.

6. I worked 5.5 days per week. On Tuesdays, Wednesdays, and Thursdays, I worked from 11:30 a.m. to 3:00 pm, took a break from 3:00 to 4:00 p.m., and then worked again from 4:00 to 10 p.m. On Friday and Saturdays, I worked from 11:30 a.m. to 3:00 pm, took a break from 3:00 to 4:00 p.m., and then worked again from 4:00 to 11 p.m. On Sundays, I worked a half-day, starting work at 4:00 p.m. and leaving at 10:00 p.m. I was off on Mondays.

7. My schedule did not change from February 2012 through my departure from Shun Lee East in June 2016.

8. Shun Lee East and T & W Restaurant, Inc., which operates a Chinese restaurant located at 43 West 65th Street, New York, NY 10023 ("Shun Lee West"), are run separately, with completely different management, workers, and operations.

9. I interacted with the delivery workers when there are customer problems, work schedule issues, and requests for vacation and/or leave. From approximately September 2013 to my last day at Shun Lee East, the delivery workers used a fingerprint system to track their time.

10. If there was a problem with the delivery workers' pay, they would speak to me. In general, the most that delivery workers worked per day was 8 hours per day and five days per week. There were also part-time delivery workers.

11. Whenever new delivery workers are hired or when the minimum wage rate changes, they were required to sign a wage and/or pay notice that is in their native language in accordance with New York state law.

12. I was in charge of organizing the delivery schedules for both the early and late shifts.

13. There were two early shifts for delivery workers.

14. The first early shift was 11:00 a.m. to 2:00 p.m. and 4:00 pm to 9 or 9:30 p.m. There was a two hour break between 2:00 and 4 p.m. If there was no business, the early shift delivery workers left at 9:00 p.m. but if there was business, they left at 9:30 p.m.

15. The second early shift was 11:30 a.m. to 2:30 p.m. and 4:30 pm to 9:30 p.m. There was a two hour break between 2:30 and 4:30 p.m.

16. For the night shift there were always 2 delivery workers, who worked from 4:30 to 11:00 or 11:30 p.m. The last call for delivery was 11 p.m.

17. The delivery workers organized among themselves on how to make the deliveries. The order in which delivery workers assigned the deliveries did not matter because tips were shared.

18. If delivery workers called in sick, they had to let me know. If the delivery workers wanted to change shifts, they had to talk to me.

19. The delivery workers did not have keys to Shun Lee East so they worked after the opening of the restaurant and before the closing of the restaurant.

20. The delivery would fill sauces and cut cardboard to ensure that food would not spill during deliveries. The maximum time it took to do this was about thirty minutes.

21. Elaine Chin was in charge of payroll at Shun Lee East and would ensure that delivery workers were paid what they were owed.

22. There was another person involved in payroll between 2012 and 2013, named Harry Shih, a treasurer who worked with the delivery head, Cheng Xia Wang, to confirm the weekly payroll for the delivery workers and gave out the pay checks.

23. Between 2012 and 2013, Cheng Xia Wang organized the schedule for the delivery workers.

24. Shun Lee East did not require the delivery workers to buy their own bicycles.

25. The waiters and bartenders at Shun Lee East are members of a union.

26. Elaine would process the waiters' payroll. Further, there is a pool of tips for waiters, which are recorded every day. The waiters recorded their tips every shift.

27. Because the waiters are part of a union, Shun Lee East had to guarantee them at least 40 hours of work per week. Even if the waiters only worked 38 hours, they were guaranteed the pay of 40 hours. In the paystubs, if we only see only 40 hours worked, that means they did not work OT. If they did work OT, it was reflected in the paystubs.

28. If the restaurant had a problem with a waiter, I would talk to restaurant representative Fong "Tony" Yue or the waiter himself to try and resolve the issue. If it could not be resolved, Fong "Tony" Yue would call the union representative.

29. At 4:00 p.m. the restaurant provided a free lunch. Everyone would usually stop working and eat their meal at 4:00 p.m.

30. Elaine usually distributed the paychecks to employees. If there were problems with an employee's paycheck they would talk with me and I would relay the information to Elaine.

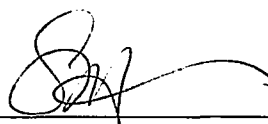
31. Bin Hu bought Shun Lee East in or around October 2015, but he is almost never in the restaurant because he lives in China.

32. In or around June 30, 2016, I resigned from my position at Shun Lee East.

33. I verify that the statements within this declaration are true and correct to the best of my knowledge, information, and belief. I have been given a full opportunity to review this declaration carefully and freely and make any corrections and additions of any kind. This declaration has been translated to me in my native language of Chinese.

PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER THE PENALTY OF PERJURY, UNDER THE LAWS OF THE UNITED STATES OF AMERICA, THAT THE FOREGOING IS TRUE AND CORRECT.

Date: March 22, 2018



SAI TAM

美国纽约南区
联邦地区法院

CHENG XIA WANG、CHUNLIN ZHANG、JUN
QING ZHAO、BAO GUO ZHANG、ZE JUN
ZHANG（又名 ZEJUN ZHANG）、GUOYI
WANG、TONG WEI WU 和 ZHI QIANG LU 代表
他们本人及其他有类似境遇的人，

原告，

诉

SHUN LEE PALACE RESTAURANT, INC.（也称
SHUN LEE PALACE）、T&W RESTAURANT,
INC.（也称 SHUN LEE WEST）、JOHN
HWANG、MICHAEL TONG、BIN HU 和
WILLIAM HWANG

被告。

索引号 17-cv-00840

SAI TAM
的声明

我 SAI TAM 特此发誓、确认并证实如下事项（如作伪证，愿接受处罚）：

1. 我已年满 18 岁，具有证明本声明中陈述的事项的法定资格。
2. 本声明中所含信息基于我的个人认识。
3. 我于 1992 年到 2006 年期间作为服务员并且于 2012 年 2 月到 2016 年 6 月 30 日期间作为总经理在 Shun Lee Palace Restaurant, Inc. 工作，该公司在纽约东第 55 街 155 号 (NY 10022) 运营一家中餐厅（“Shun Lee East”）。
4. 作为 Shun Lee East 的总经理，我负责餐厅的运营。
5. 我与另一位名叫 Patrick Lau 的经理合作，他主要负责照顾顾客。
6. 我每周工作 5.5 天。在星期二、星期三和星期四，我从中午 11:30 工作到下午 3:00，在下午 3:00 到 4:00 之间休息，然后再从 4:00 工作到晚上 10:00。

在星期五和星期六，我从中午 11:30 工作到下午 3:00，在下午 3:00 到 4:00 之间休息，然后再从 4:00 工作到晚上 11:00。在星期日，我工作半天，从下午 4:00 工作到晚上 10:00 离开。我在星期一休假。

7. 从 2012 年 2 月直到 2016 年 6 月我离开 Shun Lee East，我的时间安排一直没有变化。

8. Shun Lee East 与在纽约西第 65 街 43 号 (NY 10023) 运营中餐厅 (“Shun Lee West”) 的 T & W Restaurant, Inc. 分开运营，具有完全不同的管理层、工作人员和运营方式。

9. 当出现顾客问题、工作时间安排问题以及申请休假和/或请假时，我会与送餐员进行互动。大约从 2013 年 9 月到我在 Shun Lee East 的最后一天，送餐员一直使用指纹系统来跟踪他们的时间。

10. 如果送餐员的工资出现问题，他们会与我交谈。一般来说，送餐员每天最多工作 8 小时，每周工作五天。餐厅也有兼职送餐员。

11. 在聘用新的送餐员或最低工资率发生变化时，都会根据纽约州法律要求他们签署以其母语提供的工资和/或支付通知。

12. 我负责组织早班和晚班的送递时间安排。

13. 送餐员有两个早班。

14. 第一个早班从上午 11:00 到下午 2:00，以及从下午 4:00 到晚上 9:00 或 9:30。在下午 2:00 到 4:00 之间有两个小时的休息时间。如果没有业务，早班送餐员在晚上 9:00 离开。但是如果有业务，他们则在晚上 9:30 离开。

15. 第二个早班从中午 11:30 到下午 2:30, 以及下午 4:30 到晚上 9:30。在下午 2:30 到 4:30 之间有两个小时的休息时间。

16. 对于晚班, 总是有 2 位送餐员, 他们从下午 4:30 工作到晚上 11:00 或 11:30。最后一个送递订单时间是晚上 11:00。

17. 送餐员之间自己组织如何送递。送餐员分配送递的顺序并不重要, 因为小费是分享的。

18. 如果送餐员因病请假, 他们必须让我知道。如果送餐员想要换班, 也必须告诉我。

19. 送餐员没有 Shun Lee East 的钥匙, 因此他们在餐厅开门后以及关门前工作。

20. 送餐员会灌装酱汁和切割硬纸板, 以确保在送餐过程中食物不会溅洒。这些工作最多需要三十分钟时间。

21. Elaine Chin 负责 Shun Lee East 的工资单, 以确保送餐员获得他们应得的工资。

22. 在 2012 年和 2013 年之间, 还有另一个人参与工资单管理工作, 名叫 Harry Shih, 是与送递主管 Cheng Xia Wang 一起工作的出纳, 负责确认送餐员的每周工资单并发放工资。

23. 在 2012 年和 2013 年之间, Cheng Xia Wang 组织送餐员的时间安排。

24. Shun Lee East 不要求送餐员购买自己的自行车。

25. 在 Shun Lee East, 服务员和酒保是工会成员。

26. Elaine 会处理服务员的工资单。另外，服务员还有一个小费池，会每天进行记录。服务员每个班次都会记录他们的小费。

27. 由于服务员是工会的成员，Shun Lee East 必须保证他们每周至少工作 40 个小时。即使服务员只工作了 38 个小时，他们也能保证获得 40 个小时的工资。在工资存根中，如果我们只看到工作了 40 个小时，这意味着他们没有加班工作。如果他们确实加班工作了，则会反映在工资存根中。

28. 如果餐厅与服务员之间产生问题，我会与餐厅代表 Fong “Tony” Yue 或服务员本人交谈，以尝试解决问题。如果无法解决，Fong “Tony” Yue 会打电话给工会代表。

29. 在下午 4:00，餐厅会提供免费午餐。每个人在下午 4:00 通常都会停止工作并吃饭。

30. Elaine 通常负责将工资分发给员工。如果员工的工资存在问题，他们会与我交谈，我会将该信息转达给 Elaine。

31. Bin Hu 于 2015 年 10 月左右购买了 Shun Lee East，但他几乎从来不在餐厅，因为他居住在中国。

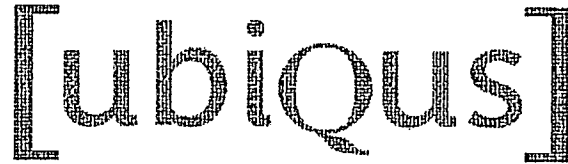
32. 在 2016 年 6 月 30 日左右，我辞去了在 Shun Lee East 的职位。

33. 根据我的认识、信息和信念，我确认本声明中的任何陈述都真实且准确。我被给予了充分的机会来仔细且无拘束地审查本声明，并作出任何形式的更正和补充。已经为我以我的母语中文对本声明进行了翻译。

根据美国法典第 28 卷第 1746 条，我确认上述内容真实且准确（如作伪证，愿根据美国法律接受处罚）。

日期：2018 年 3 月 22 日


SAI TAM



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Fax: (888) 412.3655

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ssinbo

CERTIFICATE OF TRANSLATION

This is to certify that the accompanying, to the best of my knowledge and belief, is a true and accurate translation into Chinese (Simplified), completed on March 22, 2018, of "Declaration of Sai Tam," originally written in English.

A handwritten signature in black ink, appearing to read "Despina F. Missetzis", written over a horizontal line.

Despina F. Missetzis
Project Manager
Ubiquitous Reporting, Inc.

Sworn to and subscribed before me,
This 22nd day of March, 2018.

A handwritten signature in black ink, appearing to read "Kevin N. Hudson", written over a horizontal line.

Notary Public

KEVIN N. HUDSON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HU6209981
Qualified in Kings County
My Commission Expires 09-13-2021